



45 Broadway, 21st Floor, New York, NY 10006  
212.952.1100 • Fax: 212.952.1110  
[www.hcandglaw.com](http://www.hcandglaw.com)

Abigail Bowen  
Direct: 212.952.1105  
[abigail.bowen@hcandglaw.com](mailto:abigail.bowen@hcandglaw.com)

September 15, 2010

*Via ECF and Facsimile*

The Honorable Michael A. Shipp, U.S.M.J.  
The United States District Court  
for the District of New Jersey  
Martin Luther King, Jr. Federal Building &  
United States Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: ***Reyes v. Keith Machinery Corp., et al.***  
Civil Action No.: 2:09-CV-5309  
Our File No.: 348-1033

Dear Judge Shipp:

This firm represents defendant Keith Machinery Corp. ("KMC") in the above-referenced matter. For the reasons set forth below, we are writing on consent of all parties to request an adjournment of the October 8, 2010, settlement conference.

This product liability/negligence matter arises out of personal injuries allegedly sustained by plaintiff on September 27, 2007, while using a three roll mill during the course and scope of his employment with non-party Union Ink. The fact discovery deadline is November 30, 2010. All parties are working diligently to schedule the inspection of the subject three roll mill and all depositions. We are currently scheduled to conduct an inspection of the subject three roll mill on October 6, 2010, and to conduct plaintiff's deposition on October 8, 2010. We anticipate that the depositions of representatives of KMC and defendant Littleford Bros., Inc. will be scheduled in early November 2010. The current settlement conference was scheduled as a result of Your Honor's prior Scheduling Order that required that fact discovery be complete by August 9, 2010. We respectfully submit that it is unlikely that the parties will be able engage in a fruitful settlement discussion without the benefit of an inspection of the product and depositions.

As such, we respectfully request that the settlement conference be adjourned until after the current November 30, 2010, fact discovery end date.

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

  
Abigail Bowen  
Haworth Coleman & Gerstman, LLC

Cc:

Richard Winograd, Esq.  
Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, LLP  
400 Market Street  
Newark, New Jersey 07105

John Michael Kunsch, Esq.  
Sweeney and Sheehan  
216 Haddon Avenue, Suite 500  
Westmont, New Jersey 08108

Elizabeth M. Norton, Esq.  
Frost Brown Todd LLC  
10 West Broad Street  
Columbus, OH 43215-3484